

MEDICINE BOARD[653]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 147.76 and 272C.2, the Board of Medicine hereby amends Chapter 22, “Mandatory Reporting,” Iowa Administrative Code.

The purpose of Chapter 22 is to establish that certain occurrences must be reported by licensees to the Board of Medicine. The amendment requires licensees to report any disciplinary action taken which results in a limitation, restriction, suspension, revocation, relinquishment or nonrenewal of their hospital privileges or any voluntary limitation, restriction, suspension, revocation, relinquishment or nonrenewal of hospital privileges to avoid a hospital investigation or hospital disciplinary action.

The Board approved a Notice of Intended Action to amend Chapter 22 during a regularly scheduled meeting on April 19, 2012. Notice of Intended Action was published in the Iowa Administrative Bulletin on June 27, 2012, as **ARC 0176C**. A public hearing was held on July 17, 2012, from 11 to 11:30 a.m., at the Board’s office, 400 S.W. Eighth Street, Suite C, Des Moines, Iowa.

Public comments were received from Jeanine Freeman, Iowa Medical Society; Leah McWilliams, Iowa Osteopathic Medical Association; Kevin Cunningham and Craig Kelson, The Iowa Clinic; Stacey Cyphert, University of Iowa Health Care; and Sabra Rosener, Iowa Health System. Additional meetings to discuss the proposed amendment with representatives from the Iowa Medical Society and Iowa Osteopathic Medical Association were held on August 22, 2012, and October 31, 2012. In response to all comments received, the following changes were made in the amendment as published in the Notice of Intended Action:

- The adjective “disciplinary” was added to describe the type of reportable action.
- A sentence was added to clarify that reportable action excludes voluntary, nondisciplinary limitation or relinquishment of hospital privileges for reasons not related to professional competency or conduct.
- The time within which the written report must be filed with the Board was changed from 10 days to within 30 days of the date of the hospital’s action or licensee’s voluntary action.
- Language was added to clarify that no reporting is required on hospital disciplinary actions of less than 10 days.
- A sentence was added to state that reports shall be maintained by the Board in accordance with Iowa Code section 272C.6, subsection 4.

This amendment was adopted by the Board on November 16, 2012.

After analysis and review of this rule making, no adverse impact on jobs has been found.

This amendment is intended to implement Iowa Code chapters 148 and 272C.

This amendment will become effective January 30, 2013.

The following amendment is adopted.

Adopt the following new rule 653—22.5(272C):

653—22.5(272C) Mandatory reporting—hospital disciplinary action. Each licensee, including a licensee holding an inactive license, shall file with the board a written report describing any disciplinary action taken by a hospital for reasons relating to the physician’s professional competence or conduct which results in a limitation, restriction, suspension, revocation, relinquishment or nonrenewal of the licensee’s hospital privileges or any voluntary limitation, restriction, suspension, revocation, relinquishment or nonrenewal of the licensee’s hospital privileges to avoid an investigation or other hospital disciplinary action. A licensee is not required to report a limitation, restriction, suspension, revocation, relinquishment or nonrenewal of the licensee’s privileges of fewer than 10 days. A licensee is not required to report a voluntary, nondisciplinary limitation or relinquishment of hospital privileges upon the election of the licensee to narrow or change the nature of the licensee’s medical practice for reasons not related to competency or conduct. The written report and a copy of the hospital disciplinary action or the licensee’s voluntary action must be filed with the board within 30 days of the date of the action. Failure to file the written report and a copy of the action in accordance with the requirements of

this rule may constitute a basis for action against the licensee. Reports shall be maintained by the board in accordance with Iowa Code section 272C.6, subsection 4.

[Filed 11/28/12, effective 1/30/13]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/26/12.